



SB913 SD1
RELATING TO PUBLIC SAFETY
House Committee on Judiciary

March 31, 2015

2:05 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB913 SD1. **OHA collaborated with community groups and interested stakeholders to proffer a very similar version of this bill, which takes a long-awaited first step towards identifying and addressing the unique needs of Hawai'i's keiki with incarcerated parents, by requiring the Department of Public Safety to collect intake data relating to the children of prisoners.**

A growing body of national research demonstrates that children whose parents are incarcerated may experience great trauma as a result of their parents' incarceration. For example, such children may face separation from their families, displacement from their homes, social stigmas, emotional isolation, and a lack of financial and other resources. Consequently, children with incarcerated parents often suffer from emotional distress, developmental challenges, poor academic performance, aggressive behavior, and truancy. These children are three times more likely to suffer from depression or behavioral problems and twice as likely to suffer from learning disabilities and anxiety than the average American child.¹ Moreover, in the long-term, these children may also be much more likely to enter the criminal justice system themselves.

Addressing the unique needs of children with incarcerated parents is of particular concern to the Native Hawaiian community. In 2010, OHA produced a comprehensive report detailing the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice system. This report found that Native Hawaiians comprise 39 percent of the adult incarcerated population, while they account for just 24 percent of the general population.² Native Hawaiians are also more likely to have children in their households than other state households.³ Such data strongly indicate that Native Hawaiian children may be most greatly impacted by parental incarceration; therefore, understanding and addressing the needs of this very vulnerable population is a key concern within the Hawaiian community. The Native Hawaiian Criminal Justice Task Force noted this concern in its 2012 report, recommending that state agencies involved with the criminal

¹ Kristin Turney, *Stress Proliferation Across Generations? Examining the Relationship Between Parental Incarceration and Childhood Health*, JOURNAL OF HEALTH AND SOC. BEHAVIOR, vol. 55 no. 3 (2014).

² THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 36 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf

³ THE OFFICE OF HAWAIIAN AFFAIRS DATA BOOK, Table 1.31, <http://www.ohadatabook.com/T01-31-13.pdf> (2013).

justice system better collect and integrate data on incarcerated individuals and that resources specifically be directed toward children of incarcerated parents to reduce intergenerational incarceration.⁴

Unfortunately, to date, no process exists in Hawai'i to systematically collect information on such children to identify and address their unique needs. Previously, in 2006 and again in 2008, a legislatively-created task force identified a lack of data as a major roadblock to the provision of programs and services supporting children of incarcerated parents. Until now, nothing has been done to address this concern.

Recently, the Department of Public Safety conducted a pilot project to explore the type of data that could be collected on this topic with minimal costs to staff time and other resources. Throughout February 2015, the Department's Intake Service Center administered verbal questions pertaining to parentage during the jail intake process and found that of the 1,068 individuals who were processed, 33.7 percent identified themselves as parents of at least one child under the age of 18. This study was only preliminary; it did not account for the bias against self-identification among offenders fearing potential loss of their parental rights, for duplication of results where a child might have two incarcerated parents reporting them, or for inflation due to multiple short terms of incarceration served by individual parents. However, this brief study revealed that as many as 781 children in Hawai'i may have been affected by the loss of a parent to incarceration in only one month. Such results highlight the need to more systematically collect information to identify and address the unique needs of these particularly vulnerable keiki.

SB913 SD1 revives the decade-long effort to better understand the number and unique needs of children of incarcerated parents. The systematic data collection required under this bill is an essential first step in establishing a comprehensive body of data to support the development of programs and services for the children of incarcerated parents, helping our most vulnerable keiki adjust and thrive and reducing the long-term consequences of their unaddressed needs.

Therefore, we respectfully urge the Committee to **PASS** SB913 SD1. Mahalo for the opportunity to testify on this important measure.

⁴ 2012 NATIVE HAWAIIAN JUSTICE TASK FORCE REP. sec.A, at 27, sec. C, at 28, <http://www.oha.org/nativehawaiianjusticetaskforce>.



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Leimana DaMate, Executive Director, AMAC

Before the House Committee on
Judiciary

Tuesday, March 31, 2015
2:05 P.M.
State Capitol, Conference Room 325

**In SUPPORT of
Senate Bill 913 SD 1
Relating to Public Safety**

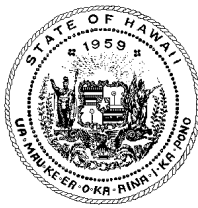
Senate Bill 913 SD 1 requires the department of public safety to collect data relating to the number of incoming offenders into the state correctional system who are parents, the number of children they have that are under the age of eighteen, and any other information that the department of public safety deems useful to facilitate services to incarcerated parents or their children.

The Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational resource knowledge of the people who are connected to each of the 43 moku and more than 500 ahupua'a. This knowledge is handed down generation to generation by experts in site-specific resource methodology. However, in the past decades the percentage of Native Hawaiians who have been incarcerated has risen. Tragically, a new trend of gaps in the generational knowledge of resource methodology can and probably does occur when the children of incarcerated parents are not given the opportunity to learn traditional practices because one or more of their parents are incarcerated.

We believe that Native Hawaiian children are impacted by the trauma of having parents sent to prison. This bill begins the necessary process of identifying and addressing the needs of children with incarcerated parents by requiring the Department of Public Safety to collect intake data relating to parents in prison and their children.

We strongly support SB 913 SD 1 and urge this committee to pass this bill.

Mahalo nui loa.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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Honolulu, Hawaii 96814

NOLAN P. ESPINDA
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TESTIMONY ON SENATE BILL 913, SENATE DRAFT 1
A BILL RELATING TO PUBLIC SAFETY

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 31, 2015, 2:05PM
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura and Committee Members:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 913, Senate Draft (SD) 1, which would require the PSD to collect data relating to the number of incoming offenders into the state correctional system who are parents and the number of children they have under the age of eighteen. The PSD recognizes that family reunification could have a positive impact on the child's developmental process, as well as lowering the recidivism outcome for offenders.

Working collaboratively with the Office of Hawaiian Affairs (OHA), the PSD conducted a pilot project during the month of February 2015, surveying offenders admitted into the community correctional facilities. Due to limitations of staffing and capturing data electronically, this project was limited to collecting the very basic information that is specified in this bill, and the information collected was on a self-report basis.

The data collected from this project revealed that of the 1,068 offenders surveyed during this time frame 360 (34%) reported having children under the age of 18 years old. Of those reporting to have children, 75% were males (270) and 25% were females (90). Although females with

children made up only 25% of the total number of offenders who reported being parents, 40% of all females admitted into correctional centers during this time frame reported being parents of minor children. The overall average of children reported was 2.2 per offender and the number of children ranged in age from one to thirteen.

Without additional funding, the PSD would not be able to expand on the data being collected, provide staff training to ensure that the questions asked are reliable and the responses recorded accurately, enhance statistical analysis, or initiate verification of the responses provided by offenders. It is the PSD's position that the information collected during the pilot project could continue without the need for legislative mandates at this time.

We thank you for this opportunity to testify.

HAWAII YOUTH SERVICES NETWORK

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Blueprint for Change
Bobby Benson Center
Catholic Charities Hawaii
Child and Family Service
Coalition for a Drug Free Hawaii
Courage House Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Programs Hawaii
Family Support Hawaii
Hale Kipa, Inc.
Hale 'Opio Kauai, Inc.
Hawaii Behavioral Health
Hawaii Student Television
Healthy Mothers Healthy Babies Coalition
Hina Mauka Teen Care
Hui Malama Learning Center
Kaanalike
Kahi Mohala Behavioral Health
KEY (Kualoa-Heeia Ecumenical Youth)
Project
Kids Hurt Too
Kokua Kalihi Valley
Life Foundation
Marimed Foundation
Maui Youth and Family Services
Palama Settlement
P.A.R.E.N.T.S., Inc.
Parents and Children Together (PACT)
Planned Parenthood of Hawaii
REAL
Salvation Army Family Intervention Svcs.
Salvation Army Family Treatment Svcs.
Sex Abuse Treatment Center
Susannah Wesley Community Center
The Catalyst Group
The Children's Alliance of Hawaii
Waikiki Health Center
Women Helping Women
YWCA of Kauai

March 29, 2015

To: Representative Karl Rhoads, Chair
And members of the Committee on Judiciary

TESTIMONY IN SUPPORT OF SB 913 SD1 RELATING TO PUBLIC SAFETY

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 913 SD1 Relating to Public Safety.

Children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental health problems, and difficulty in school. Children of incarcerated parents are seven times more likely to enter the juvenile or adult correctional systems themselves.

Prisoners who have regular contact with their children are less likely to violate prison rules and create trouble for prison authorities. They are more likely to take advantage of rehabilitation and educational opportunities while in prison. Regular contact with children increases the chances of successful reintegration into the community when a parent is released from prison.

There is currently no method or system in which to track incarcerated parents and their children. This measure would provide a foundation to develop future informed policy that is needed to support opportunities to sustain the parent-child bond while a parent is incarcerated.

Hawaii Youth Services Network believes that children and their incarcerated parents will benefit from the data collection and future programs it will inform that support parents and children in Hawaii's prisons.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

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COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy Sanbuenaventura, Vice Chair

Tuesday, March 31, 2015

2:05 p.m.

Room 325

SUPPORT for SB 913 SD1- Data Collection on Children of Incarcerated Parents

Aloha Chair Rhoads, Vice Chair Sanbuenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 913 SD1 requires the department of public safety to collect data relating to the number of incoming offenders into the state correctional system who are parents and the number of children they have that are under the age of eighteen.

Community Alliance on Prisons supports this measure.

This is not a recently uncovered fact. In 1991, the National Institute of Justice reported that, "Children of incarcerated parents are six times more likely to end up incarcerated themselves." This is a clarion call to pay attention to the needs of these children.

Hawai'i highlighted the issue in 2003 with a gathering to raise awareness. The Legislature funded a Task Force and then renewed it; however, it was difficult to get agency cooperation to collect the necessary data. This appears to have changed and we are hopeful.

To date, Hawai'i has no data on who these children are and where they reside. The Angel Tree, a group that provides Christmas gifts to these children, has been the state's only source for data on these children, but it is not an official number.

Inserting a few lines on the intake service form is at least a start to determine just how many children/youth under 18 years old are impacted by parental incarceration. We *can* stop the flow of intergenerational incarceration when we stop ignoring the fact that every incarcerated person

comes from a family, and that the families suffer from incarceration as well as the imprisoned person.

An article from December 2014¹ cites much of the current thinking on the issue of children with incarcerated parents:

“Even for kids at high risk of problems, parental incarceration makes a bad situation worse,” concluded Christopher Wildeman and Sara Wakefield in their recently published book, Children of the Prison Boom: Mass Incarceration and the Future of American Inequality.

Wildeman and Wakefield found that children with incarcerated fathers were **three times more likely** than peers from similar backgrounds **to become homeless**. They also suffered significantly **higher rates of behavioral and mental-health problems, most notably aggression**.

Kristin Turney, a professor of sociology at the University of California, Irvine, reached similar conclusions in a report published this past September. Turney found that children with incarcerated parents were **three times more likely to suffer from depression or behavioral problems** than the average American child, and **twice as likely to suffer from learning disabilities and anxiety**.

Within the last few years, however, a broad range of agencies and policy-makers have begun to frame the nation’s prison boom as a children’s issue. Last summer, the Justice Department launched a wide-reaching campaign to provide support to the children of imprisoned parents – by rethinking visitation policies and changing the protocol for arresting parents in front of children, for example. In August, the American Bar Foundation and the National Science Foundation invited key researchers, advocates and federal officials to the White House for a conference to discuss reducing the “collateral costs” to children and communities when parents are incarcerated. The conference was part of a larger inter-agency initiative begun in 2012 to focus the attention of participating agencies, including the Department of Education, on the children of incarcerated parents. A few months later, in November, the Federal Bureau of Prisons hosted its first-ever Universal Children’s Day, an event attended by nearly 8,500 children visiting more than 4,000 federal inmates.

Children’s television has provided a pop-culture barometer of the issue’s increased prominence. Last summer, Sesame Street introduced Alex, a blue-haired Muppet whose father is in jail. “I don’t like to talk about it,” Alex told his furry friends, describing his emotions. “Most people don’t understand. I just miss him so much. It just hurts inside.... But then sometimes I feel like I just want to pound on a pillow and scream as loud as I can.”

As you can see, this issue is finally gaining national prominence.

¹ Mass Incarceration’s Collateral Damage: The Children Left Behind, Katy Reckdahl, December 16, 2014. <http://www.thenation.com/article/193121/mass-incarcerations-collateral-damage-children-left-behind#>

The Alliance for Children conducted research on the costs of incarcerating parents², below is some of their conclusions:

“The extent of the costs implicated in incarcerating parents is hidden from view because, like some diseases, these costs hide in many corners of the body politic and they reemerge at different times after the initial crisis. The full inventory of both costs and benefits is probably more robust than what we have inventoried here.

(...)

The shape of the equation for society is nevertheless clear. **Incarceration is an immensely costly form of social control.** We can now appreciate that these costs do not devolve primarily on the punished person, even when the value of their loss of freedom (i.e., quality of life) is considered. Instead, about **four-tenths (40%) the total social cost of placing a parent behind bars is the public's loss**, while the losses borne directly by the offender are considerably smaller (26%). ...”

The findings by Lengyel and Brown in a follow up study 2009³ produced a set of recommendations for corrections policy and judicial practice in Hawai'i, several of which have been advanced in prior studies (Lengyel and Harris 2003; Lengyel 2006).

Finding:

The cost of incarcerating drug offenders greatly exceeds the corresponding social benefit.

Recommendations:

- Practice selective non-incarceration. Shift from incarceration to community supervision and support for certain classes of inmates who are now facing sentencing or serving time.
- Savings from prisoner diversion should be invested in programs that delay or forestall incarceration, such as drug abuse treatment and education, job training, and economic opportunity.

Finding:

Families, grandparents, and relatives bear the greatest share of costs imposed by the incarceration of a parent. They seldom have adequate resources to fulfill the role they play in the lives of the parent and the parent's children.

Recommendations:

- Initiate supports for partners, grandparents, and relative caregivers of children with parents in prison, including respite care, housing assistance, parenting support, and material support.

Finding:

Substance abuse treatment services are an appropriate alternative for the majority of drug offenders, but these services are grossly inadequate in prison and fall far short of the need in the community.

Recommendations:

- Provide appropriate substance abuse treatment on demand both in the community and in prison.

² *Spreading the Pain: The Social Cost of Incarcerating Parents*, Thomas E. Lengyel, Department of Research & Evaluation Services, Alliance for Children and Families, September 2006.

<http://www.alliance1.org/pubs/archive/Incarceration%20%2526%20Corrections/spreading-the-pain-parents>

³ *Everyone Pays: A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai'i*, Executive Summary, Thomas E. Lengyel and Marilyn Brown, August 2009

Finding:

Hawai'i lacks accurate knowledge of its parent-prisoners and their children.

Recommendations:

- Keep demographic information on all children, on custody (legal and informal), on care giving arrangements, and on services needed or anticipated.
- Integrate family information into the Department of Public Safety central databank on prisoners on a regular basis.

Finding:

Placement on the mainland, based on administrative considerations, forecloses the possibility of visits and imposes stiff costs on families attempting to stay connected.

Recommendations:

- The Department of Public Safety should factor in the ability to maintain parent-child contact when making prison placements.
- Parent inmates should be placed on the basis of "the best interest of the family."

Finding:

The social costs of incarceration are largely hidden from public view, and remain unacknowledged by the courts when they dispense justice.

Recommendations:

- All presentence investigations that recommend incarceration should include an estimate of the social costs of the recommended term based on the parameters documented in this study, as well as the cost of the best reasonable alternative. Judges should explicitly incorporate these estimates in their sentencing decisions, and should acknowledge in court the weight given to them

In 2009, the federal government issues an action plan⁴ for addressing this issue.

1. Support a review of law enforcement policies related to arrests of individuals whose children (or children under their care) are present at the time they are taken into custody, and individuals whose children may return home and be unattended because of their arrest.
2. Encourage the development of policy standards at the local or state level in cooperation with law enforcement on the response to the arrest of a caretaker parent or guardian of a minor child to ensure the child's safety and well-being.
3. Collect and disseminate program and policy examples from law enforcement agencies who have adopted promising approaches to unforeseen contact with children of incarcerated parents.
4. Share widely best practices on developing formal partnerships among law enforcement, child welfare agencies, and other providers to coordinate services for children of arrested parents.
5. Develop systems to collect data on the number and percentage of (1) arrestees who are custodial parents, and (2) children present at the time of arrest or who were left unattended because of the arrest, to document the breadth of the problem and understand the circumstances that lead to such arrests.

⁴ Children of Incarcerated Parents: *An Action Plan for Federal Policymakers*, Jessica Nickel, Crystal Garland, Leah Kane, Council of State Governments Justice Center, 2009.

<http://csgjusticecenter.org/reentry/publications/children-of-incarcerated-parents-an-action-plan-for-federal-policymakers/>

6. Support the implementation of training and protocols to minimize as much as possible the trauma to a child who is present during an arrest and sensitize arresting officers to the potential long-term impact.
7. Encourage local jurisdictions to adopt identified best practices for improving responses to children who are present during a parent's arrest.
8. Conduct additional research on the impact of parental arrest when a child is present, including the effects of home raids on children and the success of existing protocols and training tools to minimize risk.

Community Alliance on Prisons is heartened that there is a national recognition of the collateral consequences of incarceration. The social costs, as analyzed by these Hawai'i studies and numerous national studies, make it very clear that we are headed down the wrong path if we continue to pass punitive laws that incarcerate those folks we are frustrated with.

Incarceration should be the LAST RESORT. **It has been our experience that most incarcerated parents want to maintain relationships with their children.**

If we don't pay attention to the trauma that mass incarceration has wreaked on our children and families, we will continue to feed the very hungry perpetual prisoner machine. Here is a chart that illustrates the interconnecting pattern of childhood trauma, emotional response, reactive behavior and potential criminal activity that can lead to intergenerational incarceration absent positive intervention.

Intergenerational Behaviors, Crime and Incarceration				
Childhood Trauma	Emotional Response	Reactive Behavior	Coping Pattern	Criminal Activity
Physical abuse	Anger	Physical aggression	Fighting w/peers	Assault
Parent-child separation	Sadness, grief	Withdrawal	Substance abuse	Drug possession
Witness to violence	Anxiety	Hypervigilance	Gang activity	Accessory to homicide
Parental substance abuse	Anger	Verbal aggression	Asocial behavior (lying, stealing)	Fraud
Sexual molestation	Fear, anxiety	Sexualized behavior	Promiscuity	Prostitution

Source: Dr. Denise Johnston, "Effects of Parental Incarceration," in Gabel and Johnston, p. 81. Incarceration," in Gabel and Johnston, p. 81.

Community Alliance on Prisons respectfully asks the committee to pass this measure so that we can stop the intergenerational incarceration with which Hawai'i is all too familiar.

Mahalo for this opportunity to testify.

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Kalihi Palama Hawaiian Civic Club	Support	No

Comments: The Kalihi Palama HCC strongly SUPPORTS SB913 which will require the Department of Public Safety to collect intake data relating to parents in prison and their children. Native Hawaiian children may be more likely to experience the trauma of having parents sent to prison, and there is currently no data being collected to identify these children and support more effective programs and services. If we know more about these keiki, we can better address the challenges they are experiencing. This bill could support long-term access to grant funding, providing consistent services for children of incarcerated parents, and hopefully reduce the number of children that fall through the cracks. We urge the committee to PASS this bill.



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Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Supporting SB 913 Relating to Incarcerated Parents
House Committee on Judiciary
Scheduled for Hearing Tuesday, March 31, 2015, 2:05 PM, Room 325

Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit law firm created to advocate on behalf of low-income individuals and families in Hawai'i on legal and policy issues of statewide importance. Our core mission is to help our clients access to the resources and fair treatment they need to realize their opportunities for self-achievement and economic security.

Thank you for the opportunity to testify in **support** of Senate Bill 913, which would require the Department of Public Safety, through its prisoner intake centers, to collect or coordinate the collection of data regarding incarcerated parents and their children.

Children with at least one incarcerated parent may experience substantial trauma and as a result, they are at a dramatically increased risk of incarceration themselves. Yet there is no comprehensive and reliable source of data on these children in Hawai'i, limiting the state and service providers' ability to support these vulnerable children and their families. Appropriate services and resources are essential to break the cycle of intergenerational incarceration and help these children overcome the hardships associated with an incarcerated parent. We also note that Native Hawaiian children may be more likely to experience such trauma due to Native Hawaiians' disproportionate contact with the criminal justice system.

Again, thank you for an opportunity to testify in support of SB 913. We strongly urge you to take this simple measure to help our state better meet the needs of children with incarcerated parents and help them thrive.

TESTIMONY ON SB 913, SD 1 RELATING TO PUBLIC SAFETY BEFORE THE HOUSE
COMMITTEE ON JUDICIARY

March 31, 2015

2:05 pm

Conference Rm. 325

Aloha Chair Rhoads, Vice-Chair San Buenaventura, and members of the House Committee on Judiciary, **my name is Stephen Morse. I am the Executive Director of Blueprint for Change (BFC) and am here today to support SB 913, SD 1 Relating to Public Safety.**

Members, for the record, BFC is the fiscal, technical, and administrative support entity for seven Neighborhood Place centers statewide that provide support and strengthening services to families at risk of child abuse and neglect under a POS contract with the Department of Human Services. Historically, our work has focused on traditional risk factors for child abuse, including homelessness or unstable housing, unemployment and low incomes, substance abuse, chronic health problems, and physical disabilities. However, two years ago, after much research and analysis, BFC determined that most severe and underserved risk factors for child neglect in the families we serve is that there is at least one parent who is incarcerated.

An estimated 2.7 million children nationwide have at least one parent that is incarcerated, and studies conducted by the National Fatherhood Initiative show that in terms of negative impacts on children, incarceration may be worse than the death of a parent or the divorce of parents. Even more disheartening is the evidence that children of incarcerated parents are more likely to become incarcerated themselves as teenagers or adults, thus continuing the “cycle of incarceration” that sadly becomes generational in some families.

The reason service providers don’t have this data is because it is not being collected by the State.

In January 2014, the Legislative Keiki Caucus, at the request of BFC and the Hawaii Prisoners Resource Center, dba Holomua Center, established a working group to explore the issues surrounding children and families impacted by incarceration. Called the Family Reunification Working Group (FRWG), the group is comprised of representatives from several organizations and service providers, including Blueprint for Change, Hawaii Prisoners Resource Center, dba Holomua Center, the Office of Hawaiian Affairs, ALU LIKE, Inc., Queen Lili`uokalani Children’s Center, Keiki O Ka Aina Learning Centers, Family Programs Hawaii, Adult Friends for Youth, Community Alliance on Prisons, TJ Mahoney, Chaminade University’s Native Hawaiian Program, Hawaii Technology Institute, Grandparents Raising Grandchildren, Pacific Alliance to Stop Slavery, and Makana O Ke Akua Clean and Sober Living. It also included parents of children who have been affected by incarceration. The group established two immediate priorities to work on, one of which was to develop a database of children in Hawaii impacted by incarceration, and during the past year, it explored various ways to collect the data needed to identify the number and basic demographics of these children. After much discussion and analysis, it concluded that the fastest and easiest way to collect the essential data needed was to add at least one, two-part question to the current form now used by the Hawaii Department of Public Safety’s Corrections Division to intake offenders entering the Hawaii corrections system.

With support from the Office of Hawaiian Affairs, and the Department of Public Safety, our working group was able to initiate a pilot project to see the type of data that this legislation would provide. In the month of February 2015, the Department of Public Safety Intake Service

Center Division surveyed all offenders admitted into a community correctional center to determine if they were parents of minor children. The survey was conducted verbally during the facility intake interview with the ISC worker.

Of the 1068 individuals processed at HCCC, KCCC, MCCC, and, OCCC, 33.7 percent reported that they had children under the age of 18. The 270 fathers that were put behind bars in February accounted for 561 children, and the 90 mothers who were imprisoned during this time reported an additional 220 children. This survey did not cross-reference between Men's and Women's prison data bases, and as a result, we do not know the total unduplicated number of children affected, but it is safe to assume that, in just one month, at least 600 children lost one or both of their parents due to incarceration.

We understand that this data is not perfect, and that the road to understanding the real needs of children impacted by incarceration will be a long up-hill battle, but this pilot project was a major first step, and passing SB 913, SD 1 will allow us to continue to move forward in developing programs and obtaining resources to serve this much needed population.

Mahalo for allowing us to share this testimony with the Committee.

Submitted By	Organization	Testifier Position	Present at Hearing
Jalna Keala	Association of Hawaiian Civic Clubs	Support	No

Comments:



250 Vineyard Street
Honolulu, Hawaii 96813
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FamilyProgramsHawaii.com

TO: Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair
Committee on Judiciary

HEARING: Tuesday, March 31, 2015 • 2:05 PM • Conference Room 325

FROM: Judith Wilhoite
Family Advocate
Family Programs Hawai'i, It Takes An `Ohana

RE: SB 913 Relating to Public Safety

Thank you for the opportunity to testify. I am the Family Advocate for Family Program Hawaii's *It Takes An `Ohana* (ITAO) program and a resource caregiver, formerly referred to as foster parent. I, along with my Advisory Committee, strongly support SB 913.

Many of our foster children's parents are incarcerated, deeply impacting the lives of these children. Some of the best research on the lifelong effects of adverse childhood experiences (ACEs) on children comes from the CDC-Kaiser Adverse Childhood Experiences Study¹, a groundbreaking public health study. One of the ACEs looked at in this study is having a parent in prison.

ACEs normally do not occur in isolation and that is certainly true with our foster children. People have an ACE score of 0 to 10. Each type of trauma counts as one, no matter how many times it occurs. People with high ACE scores are more likely to be violent, to have more broken bones, more drug prescriptions, more depression, and more autoimmune diseases.

As resource caregivers, we see firsthand how challenging it can be for the biological parents of the children in our care to reestablish themselves in society and in healthy relationships with their family. Our understanding is that with the right set of data, organizations such as *Blueprint for Change* will be in a stronger position to help incarcerated parents have a better chance of a successful transition to life on the outside and with family. When that happens, we all benefit, especially foster children who may then be able to return to a biological parent who is able to provide a safe, healthy home to their children.

We strongly urge you to pass Senate Bill 913 to help begin the process of bringing much needed resources to our families impacted by incarceration!

¹ Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults, <http://www.ajpmonline.org/article/S0749-3797%2898%2900017-8/fulltext>

We help kids



Adult Friends for Youth

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Submitted to
Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Submitted by
Deborah L.K. Spencer-Chun
President and CEO of Adult Friends for Youth
Thank you for the opportunity to testify.

I am in support of SB 913 SD1, which relates to the Department of Public Safety to collect data relating to the number of incoming offenders into the state correctional system who are parents and the number of children they have that are under the age of eighteen.

For the past 27 years I have worked in communities that have multiple economic challenges coupled with high rates of crimes and violence. Often times many of the youth we work with come from families where one or both parents are incarcerated and/or other family members such as siblings and cousins. In either case, incarceration impacts the youth at some level eventually leaving the youth to believe that it is a norm. It isn't and it shouldn't be. In order to break this vicious cycle services need to be provided at many levels. However, often times funding are not accessible because the data is not available.

It seems logical that the best place to acquire this information is upon entry to the correctional facilities of the Department of Public Safety because they have the targeted population that have the answers which are the offenders.

As a community worker and a member of the Family Reunification working group, I ask that you move this bill forward so we can begin to get the much needed data to help service all children and youth of incarcerated parents. Mahalo for your time.

March 29, 2015

Dear Honorable Members of the Committee,

Thank you for the opportunity to testify. My name is Crystal Brown and I am a second year graduate student with the Myron B. Thompson School of Social Work program at the University of Hawai'i at Manoa. I currently work within the community to provide support with some families and youth who may have or had incarcerated parents. I would like to submit testimony in support of SB 913 SD1 which will require the Department of Public Safety to collect intake data relating to parents in prison and their children.

Currently, there is no data being collected in the State of Hawai'i to help identify children and youth who have incarcerated parents. Most, if not all of these children and youth suffer the long lasting affects of trauma having to live without the physical love and support of their incarcerated parents. Due to the lack of data, many of our children, youth, and families who have incarcerated parents tend to slip through the cracks without being detected.

As being a child of incarcerated parents, I believe that it would have been beneficial for my family and I to have had supports and resources specific to our family's circumstance. I have personally watched and live with the long-term affects of growing up with incarcerated parents. Thankfully, I was raised by my maternal grandparents for a short time in my life and we were able to sustain ourselves to the best of our abilities. With being fortunate with having a strong family support, it only makes me wonder about those who are or were not as fortunate as I was.

Having this data collected will be able to identify the needs and concerns surrounding parents who enter the prison system with children under the age of 18 years old. Hopefully this will lead to supports in finding long-term funding to provide consistent services for children, youth, and families of incarcerated parents to hopefully help in reduce the negative impacts and long-term affects. This may even lead to an end of a cycle and a start of a new beginning for some of these families. Again, I am in support of SB 913 SD1 which will require the Department of Public Safety to collect intake data relating to parents in prison and their children. Thank you for taking the time to view my testimony.

Sincerely,

Crystal Brown

Submitted By	Organization	Testifier Position	Present at Hearing
james crowe	Individual	Comments Only	No

Comments: Updating and refining of these procedural practices will, in the long run, help to divert these children from being candidates for future prisoners

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

COMMITTEE ON JUDICIARY
Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Tamaki Takada
takadat@hawaii.edu

Tuesday, March 31, 2015
2:05 P.M.
State Capitol, Conference Room 325

SUPPORT TO S.B. 913 S.D. 1
RELATING TO PUBLIC SAFETY.

My name is Tamaki Takada, Master's student at the University of Hawaii at Manoa Myron B. Thompson School of Social Work. I dedicate myself as a children's grief facilitator of Kids Hurt Too Hawaii to supporting those who have been separated from their parents due to incarceration and/or other reasons. The Kids Hurt Too Hawaii is a not-for-profit organization that has provided essential services (i.e. crisis management, peer support groups and mentoring programs, education, training, workshops, and an array of fun activities and events) to over 3,000 children and families in Hawaii at no charge since 2001¹.

The purpose of SB913SD1 is to require intake service centers of the state department of public safety to coordinate the systematic collection of information regarding incarcerated parents and their children, which Hawaii's legislature has been pursuing since 2005². The collected data should be the starting point of all consequent studies regarding this population and it should also be the anchor of practitioners' decision-making process. On one hand, researchers in social services could conduct statistical analyses of this population and of community resources utilization based on the primary data. On the other hand, practitioners in corrections could provide individualized treatment, programs, and goal settings based on the obtained information (e.g., Waiawa Correctional Facility offers inmates the program Supporting Keiki of Incarcerated Parents [SKIP], which entails practicing to "become better fathers³"). Since Hawaii's criminal justice system has unique racial proportion⁴, such individualizations could be crucial as much as acknowledging cultural competency.

From these reasons, I would like to ask the committee to pass SB913SD1.
Thank you very much for the opportunity to testify on this matter.

Sincerely,

¹ Kids Hurt Too Hawaii. "Celebrating 14 Years of Love." *News Alert: Celebrating 14 Years of Love*. n.p., 14 Feb. 2015. E-mail.

² 2011 Hawaii Sess. Laws, Act 240; SCR 128 Task Force, *Report to 2006 Legislature: Children of Incarcerated Parents*. Honolulu: 2005; Task Force of Children of Incarcerated Parents, *Report to the Legislature: In Accordance with the Provisions Act 256, SLH 2006*. Honolulu: 2007.

³ Waiawa Correctional Facility. n.d., Web. 18 Mar. 2015.

⁴ Fenster, Jason. "Native Hawaiians Over-Represented in Hawaii's Criminal Justice System." *Justice Policy Institute*. 28 Sept. 2010. Web. 23 Feb. 2015.

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Support	No

Comments: Legislative task forces in Hawai'i have repeatedly recommended this measure's proposal, for nearly a decade now. This is a first step in a long but important process to ease the suffering of present and future keiki, and to invest in the future health of our communities. Mahalo nui for your consideration and support of this measure!

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimo Muhlestein	Individual	Support	No

Comments:

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments: I strongly support SB913. Please pass this bill.

Submitted By	Organization	Testifier Position	Present at Hearing
Isaiah Kala Kaaihue	Individual	Support	No

Comments:

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

Comments:

Submitted By	Organization	Testifier Position	Present at Hearing
Robert K. Lindsey, Jr.	Individual	Support	No

Comments:

Submitted By	Organization	Testifier Position	Present at Hearing
RaeDeen Karasuda	Individual	Support	No

Comments: I am in strong support of this measure.

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Gora-Aina	Individual	Support	No

Comments: I support SB913 and believe that it is about time that we now take into consideration those children that are left behind because of their parents poor choices. Help them become better citizens by finding out what their needs are and what we(Hawaii) can do to assist them in their growth to make better life choices so they don't end up like their parent(s). Please pass this bill.

TESTIMONY ON SB 913, SD 1 RELATING TO PUBLIC SAFETY BEFORE THE HOUSE COMMITTEE ON
PUBLIC SAFETY

March 30, 2015

2:05 pm

Conference Rm. 325

Aloha,

My name is Malia Peters. I am a parent of a child whose father was incarcerated nineteen years ago. I strongly support SB 913 SD1 Relating to Public Safety.

Nineteen years ago my life was forever changed when my husband (now ex-husband) committed a horrible crime sentencing him to a 20 year prison sentence, which left my three-year-old son and I very abruptly in a very difficult situation. While we understood the severity of his crime and prison sentence, we've had a long and challenging road ever since. Helping families of prisoners who are left behind has become a passion in my life, encouraging them that they too can overcome these challenging situations. My testimony is simply because I would like to make the road less tough, so that our state and society can have a better chance of decreasing the cycle of incarceration.

While there are various estimates of the number of children nationwide who have at least one parent that is incarcerated (over 2 million), we have no idea in our State of Hawaii, not even an estimate, of the number of children that are affected. Studies have shown that in terms of negative impacts on children, incarceration may be worse than the death of a parent or the divorce of parents. When a parent passes away or when parents divorce, families receive a lot of sympathy, love, compassion, and financial support. In Hawaii, to make a divorce official, families are required to attend "Kids First", a program to help families survive divorce. However, when a parent is sentenced to prison, there is no "program" or "class" to attend, and very often there is no sympathy, rather a "stigma" that is attached to these children/spouses. Many family members witnessed or were the victim of the crime, and there is often no emotional or financial assistance. The surviving spouse, significant other, or grandparent is often the sole provider putting physical, emotional, mental, and financial strain on families.

Something more concerning is the evidence that children who have a parent in prison are more likely to become incarcerated themselves as teenagers or adults, thus continuing the "cycle of incarceration" that sadly becomes generational in some families.

Having been through this personally, I can tell you first-hand how difficult this experience was for my son and I. I never wanted to ask for help for fear that I would minimize the horrible crime that my husband had committed, and/or offend the victim and their family. I also didn't ask for help because I was embarrassed to share why my husband was incarcerated. I was afraid what he did would be a reflection on me and my own character. When I became desperate enough to seek assistance, I didn't know where to turn, and when I did try to apply for various types of assistance, we didn't qualify because I was working. My single income however was not sustainable to support my son and I, which forced me to take a second job. My son now lost both his parents, became mute, and we had no medical coverage to get him the emotional support he needed. It was a horrible thing to go through and it is only by the

grace of God, the family I was blessed with, that I am able to stand strong today, with my son grown and by my side, sharing my story with each of you. We are now in a new season with his father recently released from prison after all these years, and we face new challenges – but we know we can get through it. It's taken me years to talk about this but I am realizing that this may be my purpose in life...to make a small difference for others who are going through the same thing and may not have a voice at this time.

Last year I joined the Hawaii Prisoners Resource Center, dba Holomua Center, who established a working group to explore the issues surrounding children and families impacted by incarceration. We are called the Family Reunification Working Group (FRWG), the group is comprised of representatives from several organizations and service providers who want to support this population.

Having data/statistics illustrating the number of children affected by incarceration is critical for so many reasons. At the very least, we need to know as a state and as a society, how many children (especially under the age of 18) are affected. We need to understand who the caregivers are for these children in the parents' absence. The Department of Education should better understand, as these children often struggle in school as result of the trauma and disruption in the home. This information is important to understand the magnitude of what we think is a concerning issue (is it as bad as we think)? Finally, we need data to enable our state and numerous organizations to submit for grants that can provide various types of support (physical, emotional, educational, and financial) to families who are specifically affected by incarceration.

Some have argued/commented that prisoners won't be truthful on the intake form and won't voluntarily provide this information for fear they will be penalized for child support, or for fear that their children will be taken away from them. I disagree, and feel strongly, that if they fully understood the reason for these questions, and that their family may qualify for help, that they would cooperate and provide the information. I remember my husband feeling helpless and frustrated knowing the hardship we were going through because of his careless acts, which led to irritable behavior behind bars. Participating in answering these questions would be a small thing a prisoner with a family could do to improve the circumstances their family is enduring.

Without this type of basic information relating to dependents of prisoners, it is very difficult to advocate and seek assistance and opportunities for this unique population. Our state needs all the help we can get taking care of these children and these families that are affected. We need to reduce the cycle of incarceration and we should do whatever we can to make seeking outside funding opportunities possible.

Mahalo nui to each of you for your service, and for your consideration of this letter of support.

With much aloha and blessings,

Malia Peters

Submitted By	Organization	Testifier Position	Present at Hearing
Samantha LandrySmith	Individual	Support	No

Comments: I strongly SUPPORT SB913 which will require the Department of Public Safety to collect intake data relating to parents in prison and their children. Native Hawaiian children may be more likely to experience the trauma of having parents sent to prison, and there is currently no data being collected to identify these children and support more effective programs and services. I believe that if we know more about these keiki, we can better address the challenges they are experiencing. This bill could support long-term access to grant funding, providing consistent services for children of incarcerated parents, and hopefully reduce the number of children that fall through the cracks. I urge the committee to PASS this bill. As a high school Outreach Counselor, I work with students who have incarcerated parents and I can testify to the unique needs and challenges of this population. Because there is no database to access which would give us numbers of how many children are out there in this situation, we are at a disadvantage when it comes to meeting their needs and I believe this contributes to a cycle of disadvantage, marginalization and possibly incarceration. Please allow us to help them by bringing them out of the shadows. Mahalo for your consideration, Samantha LandrySmith

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Nelsen	Individual	Support	No

Comments:

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Lichty	Drug Policy Action Group	Support	No

Comments: We now know through research about the many unintended consequences of our over-incarceration policies. The impact on the children of the incarcerated are among the worst. Please pass this sensible measure to gather data on these children and their situations.

LATE

Submitted By

Organization

**Testifier
Position**

**Present at
Hearing**

Kapina	Individual	Support	No
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Comments:

LATE

Submitted By	Organization	Testifier Position	
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	No

Comments:

Submitted By	Organization	Testified Position	
reyna malae	Individual	Support	No

LATE

Comments: I am an aunt to children who are directly affected by a parent being incarcerated. This is an epidemic on the federal level as well and needs attention. I strongly SUPPORT SB913 which will require the Department of Public Safety to collect intake data relating to parents in prison and their children. Native Hawaiian children may be more likely to experience the trauma of having parents sent to prison, and there is currently no data being collected to identify these children and support more effective programs and services. I believe that if we know more about these keiki, we can better address the challenges they are experiencing. This bill could support long-term access to grant funding, providing consistent services for children of incarcerated parents, and hopefully reduce the number of children that fall through the cracks. I urge the committee to PASS this bill.

LATE

Submitted By	Organization	Testimony Position	Present at Hearing
Cleda A. Kalama	Individual	Support	No

Comments: Aloha Kakou, Today I would like to give my continued support in order to begin to identify children of incarcerated parents who suffer shame and much hurt from their unique individual experience. I work with a non-profit, Keiki O Ka Aina, that serves families; caregivers, children and the incarcerated. Without intervention and training, negative trends for incarceration will continue. Knowing the need (the number of children who fall into this category) will help us to support them in ways that will move them into a place of emotional safety and security; to live without shame as productive individuals who are not relegated to make the same choices as their parent(s), but better ones, for a better future. I ask you to support SB 913, and thank you for your continued support.

LATE

Submitted By	Organization	Testifier Position	
Michelle Nalani Limpahan-Costa	Individual	Support	No

Comments: I strongly SUPPORT SB913 which will require Department of Public Safety to collect intake data relating to parents in prison and their children. Native Hawaiian children may be more likely to experience the trauma of having parents sent to prison, and there is currently no data being collected to identify these children and support more effective programs and services. I believe that if we know more about these keiki, we can better address the challenges they are experiencing. This bill could support more long-term access to grant -funding, providing consistent services for the children of incarcerated parents, and hopefully reduce the number of children that fall through the cracks. I urge the committee to PASS this bill. Mahalo, Michelle Limpahan-Costa

**House Committee on Judiciary
Hawaii State Legislature
Hearing on SB 913, SD 1
March 31, 2015**

LATE

Dear Chair Rhoads & members of the Committee,

This is to express my strong SUPPORT for SB913, which will require the Department of Public Safety to collect intake data relating to parents in prison and their children. I am a former Public Defender, and have been involved with Native Hawaiian education for the past 25 years. I have seen the effects of incarceration on the families and children that experience incarceration personally. I am no longer practicing law, but have dedicated myself to helping my people, Native Hawaiians, to find the better way through education. I call it Education for Self-Determination. But this is not just education in the western sense, but education that is truly liberating and inspiring, that celebrates the wisdom and knowledge of our ancestors, along with the best that the 21st Century has to offer.

Yes, people must be held accountable for their actions, but what of the innocent children affected by the removal of and separation from their parents. We must do more to ensure that these children have a better chance at life, than their parents who made poor choices. What choice have they been given as a result of the actions of their offending parent. I urge you to consider the choice that you have to make a difference in the lives of these children affected by the incarceration of a parent, by PASSing this bill.

Mahalo nui (many thanks), Peter Hanohano.

To: Rep. Karl Rhoads, Chair, Rep. Joy A. San Buenaventura, Vice Chair, and

LATE

Committee

Re: Opposition to SB1030

Hearing: JUD, Tuesday, March 31, 2015 2:05 pm

I oppose bill SB1030. Adding e-cigarettes and vapor products to the definition of "tobacco products" in this measure makes it inevitable that all harsh tobacco regulation will apply, including the 70% existing tax. This will severely damage the industry in Hawaii, and would reduce access and increase costs for legal adult consumers.

Adults 18 years old or older should be allowed to choose to use these legal products, particularly e-cigarettes and vapor products.

People 18 years old are able to enter into contracts and make many decisions that will affect the balance of their lives, including their future health and welfare. This includes the decision to enter into military service. We live in a free society.

E-cigarettes and vapor products should be removed from this bill. These products are not tobacco, do not pose a significant risk to users, pose no risk to bystanders, and are proven to be effective substitutes for smoking tobacco. They must not be put under the same regulatory regime as tobacco.

Thank you for your time and consideration.

Marichu Ilo